

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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In re INDYMAC MORTGAGE-BACKED  
SECURITIES LITIGATION

Master Docket No. 09-Civ.-04583 (LAK)  
ECF CASE

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This Document Relates To:

**ALL ACTIONS**

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**LEAD PLAINTIFFS AND ADDITIONAL FUNDS' MOTION TO  
INTERVENE AS NAMED-PLAINTIFFS PURSUANT TO FED. R. CIV. P. 24(b)**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of the Motion to Intervene as Named-Plaintiffs Pursuant to Fed. R. Civ. P. 24(b) by court-appointed Lead Plaintiffs, Wyoming State Treasurer and Wyoming Retirement System (collectively, “Lead Plaintiffs”), and the City of Philadelphia Board of Pensions and Retirement (“Philadelphia Board of Pensions”), Los Angeles County Employees Retirement Association (“LACERA”), Police and Fire Retirement System of the City of Detroit (“PFERS”) and Public Employees’ Retirement System of Mississippi (“MissPERS”) (collectively, the “Funds”) (“Memorandum of Law”) and the accompanying declarations submitted herewith, Lead Plaintiffs and the Funds respectfully move this Court pursuant to Fed. R. Civ. P. 24(b) for an order allowing the Funds to intervene as named-plaintiffs in the above-captioned action by permission.

The Funds purchased certain IndyMac mortgage-back securities that were not purchased by Lead Plaintiffs. Intervention will only be necessary if the Court grants Defendants’ motions to dismiss certain of Lead Plaintiffs’ claims in the Amended Consolidated Class Action Complaint for Violations of the Securities Act of 1933 (the “Consolidated Complaint”) for lack of standing, as more fully discussed in the accompanying Memorandum of Law.

As discussed more fully in the accompanying Memorandum of Law, intervention is appropriate in this case because: (i) the Funds’ claims are virtually identical to Lead Plaintiffs’ claims; (ii) intervention would not unduly delay or prejudice the adjudication

of the existing parties' rights; and (iii) the motion is timely brought. Considerations of judicial and prosecutorial efficiency would be served by allowing the Funds to intervene here.

Dated: May 17, 2010

Respectfully submitted,

**BERMAN DEVALERIO**

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I, Nicole Lavallee, am the ECF User whose ID and password are being used to file this document. In compliance with the Electronic Case Filing Rules & Instructions, I hereby attest that each of the signatories identified below has concurred in this filing.

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